IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Criminal Application No. 1314/07

Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's Orders.**

CORAM : **A.P. Lavande, J**
DATE : 11.6.2007

Heard Mr. S.V.Sirpurkar, learned counsel for the applicant and Mr. T.A.Mirza, learned A.P.P. for respondent. Both the applicants are present in person.

2. By this application under Section 482 of the Code of Criminal Procedure the applicants seek quashing of Criminal Case No. 2342/2006 pending before the Judicial Magistrate, First class, Nagpur (Corporation Court No.1) which has been filed pursuant to report filed by applicant no.2 against applicant no.1.

3. The applicants got married on 7.12.2005. Thereafter certain disputes arose between the applicants which led to filing of the F.I.R. No. 119/06 by the Applicant No. 2 against the Applicant No.1 at Police Station, Sakkardara for the offence punishable under Section 498 A of the Indian Penal Code. After investigation the charge sheet has been filed against the applicant no.1 for the offence punishable under Section 498 A of the Indian Penal

Code. It is the case of the applicants that they have resolved the disputes amongst themselves and both of them are staying together since 9th February, 2007. This fact has been confirmed by the applicants who are present in person. Since the dispute between the parties have been settled the applicants pray that the criminal proceedings initiated against the applicant no.1 at the instance of applicant no.2 be quashed in the interest of justice since the parties want to leave peacefully henceforth.

4. Mr. Sirpurkar, has placed reliance upon the Judgment of the Apex Court in B.S.Joshi and others .vs. State of Haryana and another (AIR 2003 Supreme Court 1386). In Joshi's case (supra) the Apex Court has observed thus;

> "There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.

> In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code".

5. In view of the clear ratio laid down in Joshi's case (supra) and considering the factual situation in the present case I am of the opinion that this is a fit case in which criminal proceedings against the applicant no.1 deserves to be quashed and set aside by invoking jurisdiction under Section 482 of the Code of Criminal Procedure.

6. In the result, therefore, the application is allowed. Criminal Case No. 2342/2006 pending against the Applicant No.1. before the Judicial Magistrate, First Class, Corporation Court No.1, Nagpur is quashed and set aside.

Judge

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